

MINUTES
Regular Meeting of the College Park City Council
Tuesday, February 23, 2010
8:00 P.M.

PRESENT: Mayor Fellows; Councilmembers Nagle, Wojahn, Catlin, Perry, Stullich, Cook, Afzali and Mitchell.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; Elisa Vitale, Senior Planner; Steve Halpern, City Engineer; Student Liaison Jonathan Sachs; Deputy Student Liaison Becca Lurie.

Mayor Fellows opened the meeting at 8:05 p.m. following an earlier public hearing, and Councilmember Perry led the Pledge of Allegiance.

Minutes: The minutes of the Special Session on February 2, 2010, the Regular Meeting of February 9, 2010, and the Confidential Minutes of the two Executive Sessions on February 2 and the Executive Session on February 9, 2010 were presented for approval. A motion was made by Councilmember Perry and seconded by Councilmember Cook to adopt the minutes. The motion carried 8-0-0.

Announcements:

Councilmember Wojahn announced that the M-NCPPC is hosting a Town Hall Meeting on March 20 as part of the “Envision Prince George’s” process. It will be held from 9:30 a.m. to 3:30 p.m. at the Sports and Learning Complex on Sheriff Road.

Acknowledgment of Dignitaries: Former City Councilmember Leonard Smith

Acknowledgment of Newly Appointed Board and Committee Members: Carolyn Bernache, newly appointed to the Education Advisory Committee.

Proclamations: Mayor Fellows presented a Proclamation in support of Census 2010 to Alex Compagnet, Partnership Specialist, U.S. Census Bureau.

Amendments to the Agenda: Move 10-CR-01 to the Consent Agenda. Postpone 10-G-23 (Petition Request For The Withdrawal of Permit Parking In The 8100 Block of 54th Avenue) to the March 23 council meeting to allow time for the petitioner and the Lakeland Civic Association to meet and discuss the request. Mr. Perry asked whether there would be another public hearing on this item since there was already a public hearing tonight. Ms. Ferguson

replied that if there is a modification or amendment to the request further public comment would be in order.

City Manager's Report: Mr. Nagro announced that there would be a public hearing on the 2010-2015 Draft Strategic Plan at 7:00 p.m. next week prior to the Worksession. The Ledo Original Restaurant has submitted their plans to the County and is awaiting building permits. They are also applying for a new liquor license. He announced that the cost of snow removal operations through the last payroll is \$172,000 out of a \$181,000 budget. Another 300 tons of salt are on order that will cost \$20,000, so if we don't get a lot of new snow we will have spent \$192,000 on snow this year. He does not know yet about FEMA money.

Student Liaison Comments: Ms. Lurie said campus is getting back up and running after being closed for the snow.

Comments from the Audience on Non-Agenda Items:

Larry Bleau, 4901 Niagara Road, President, NCPA: The rescheduled NCPA meeting will be held this Thursday at 7:30 p.m. at Davis Hall. He discussed agenda items.

Monroe Dennis, President, Lakeland Civic Association: Discussed the annual Martin Luther King Day tribute celebration. He hopes they will be able to use the Clarice Smith Performing Arts Center again and looks forward to the assistance of City staff.

Consent Agenda: A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to adopt the Consent Agenda, which consisted of the following item:

10-CR-01 Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article VII "Powers And Duties Of Mayor And Council," §C7-6, "Condemnation," To Eliminate A Reference To A State Code Provision That No Longer Applies.

The public hearing was held earlier this evening.

The motion carried 8-0-0.

Action Items:

10-G-07 Approval Of Request For Driveway Apron Variance At 5200 Paducah Road Subject To The Owner Entering Into A Declaration Of Covenants With The City

This item has returned from the January 26 meeting. Prior to the motion, the applicant Perla Anzures, 5200 Paducah Road, answered questions from the Council. She is unable to park

directly in front of her house because there is a stop sign there and parking is restricted near the stop sign. When she comes home late at night she wants to be able to park in her driveway rather than trying to find a street space that would not be in front of her house.

Councilmember Nagle asked if she can pull her car into the driveway if there is already one car parked there. She said she can.

Councilmember Wojahn asked how far away she typically has to park when she comes home at night. She said two houses away. She said it is sometimes dark and she is concerned for her safety.

Her driveway can only accommodate two cars now and this request would increase the capacity of her driveway.

Councilmember Catlin wanted to verify that she would not block the sidewalk when she is parking that many cars in the driveway. She said no.

Councilmember Perry asked if she had to drive over the grass to park two cars side-by side. She said no. She would agree to the City's Declaration of Covenants.

A motion was made by Councilmember Wojahn and seconded by Councilmember Afzali to approve the request for a driveway apron variance at 5200 Paducah Road Subject To The Owner Entering Into A Declaration Of Covenants With The City.

Councilmember Wojahn discussed the unique situation of having the stop sign in front of her house. The double wide driveway already exists.

Comments from the audience:

Anna Ubeda, 5110 Paducah Road: She is the next door neighbor and is opposed to this request. She asks that the Council think about how apparently innocent variations are changing the neighborhood. Some houses have up to six cars parked inside the property. Prior Councils have fought against this kind of variance to protect neighborhoods from the increasing trend of having two or three properties registered under the same registered owner. She invites the Council to consider this possibility in this case. There are numerous cases of double driveways in her neighborhood and all but one have kept the single apron; what is the difference in the case of 5200? She believes if they can fit four cars, they will.

Councilmember Wojahn asked the applicant questions about the picture she provided, specifically the dirt patch. She illustrated how the second car gets into the driveway now, where the trashcans are stored, and the location of the stop sign. Her son received two tickets for being parked in front of their house. She is concerned for her safety. She wants the driveway to be fully functional.

Councilmember Stullich asked how many cars are normally parked in the driveway. Ms. Anzures said her son and her cousin park there, so they would fill the driveway before she gets home. If they have to leave early, she has to get up and move her car in the morning. She clarified that she is allowed to park on the other side of her driveway (not the stop sign side) in front of her house, but often those spaces are already taken.

Councilmember Cook pointed out that this is a three-way stop sign intersection.

The motion passed 6--2--0 (Nagle and Stullich opposed).

10-G-28 Approval of Request by College Park Woods Swimming Club To Waive The Balance Of The 30-Day Notification Requirement Prior To Assuming An Obligation Per The Agreement and Conditional Grant dated 11/28/05

Prior to the motion, Mayor Fellows requested a representative of College Park Woods Swimming Club (CPWSC) to speak about this request.

Markian Melnyk, 9011 Gettysburg Lane, representing the CPWSC: Mr. Melnyk stated that in 2005, the City entered into an Agreement with the CPWSC and the College Park Woods Civic Association wherein \$95,000 was granted to the CPWCA for the purposes of renovating the clubhouse at the swim club. In the grant agreement there is a provision that says if the property is sold within 10 years of the date of the agreement, the City can recoup the \$95,000 from the proceeds of the sale. There is a provision that says if the Swim Club puts a lien on the property or otherwise encumbers the property, the City should be notified. The swim club has proposed to enter into a five year agreement with Lighthouse Pool Management to operate the pool and make improvements to the pool. The swim club does not have the funds to fully pay Lighthouse for the upgrades so they have agreed that the amount they cannot pay would become a debt of the swim club secured by the property that the swim club owns. Because of the debt they would create under the agreement with Lighthouse, they need to notify the City. The notice period to the city is 30-days. The swim club requests that the Council accept the notice they have provided and waive the balance of the 30-days so they can enter into the Agreement with Lighthouse right away.

A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali that the Council waive the notice requirement contained in the Agreement and Conditional Grant, paragraph 7, dated November 28, 2005 between the College Park Woods Swim Club, the College Park Woods Civic Association and the City.

Councilmember Mitchell stated that the Agreement and Conditional Grant, in paragraph 7, requires that the CPWSC provide thirty days prior notice before applying for any loan or assuming any obligation that would encumber or use CPWSC property as collateral. The CPWSC seeks to enter into a contract for pool management and refurbishment with Lighthouse Pool Management

Inc. The agreement is to be secured by a lien on CPWSC property. The Council is satisfied from the information provided that this lien is subordinate to the City's right to recapture grant funds if the property is alienated within ten years of the date of the Agreement and Conditional Grant.

Councilmember Catlin asked if the lien is subordinate to the City. The City attorney said yes, we have received the documentation to confirm that the agreement with Lighthouse is subordinate to the City. If our agreement is still in effect when the Lighthouse agreement would need to be renewed, they would need to come back to the Council.

Councilmember Perry asked how many members the swim club has. Mr. Melnyk said about 70 members; average dues are \$400 per family. Councilmember Perry asked questions about Lighthouse and commented on the many community pools that have gone out of business.

Mr. Melnyk said that Lighthouse is fronting the money to pay for capital improvements at the swim club, and the loan would be repaid with interest over a five year term. The City's grant to the community association was \$95,000, the debt to Lighthouse wouldn't exceed \$150,000 and the value of the swim club property is estimated at about \$400,000, so the total debt wouldn't exceed the value of the property. Councilmember Perry asked how much of the grant is left. Mr. Melnyk estimated about \$5,000 remains, and clarified the grant was to improve the community center, not the pool.

Comments from the audience:

Larry Bleau, 4901 Niagara Road: He wondered if another obligation were to be incurred by the swim club, would that mean the pool would not have to come back to council for a second request.

Carolyn Bernache, Board member of the Swim Club: Members of the board have spent an inordinate amount of time on how to pay the debt. They have begun fund raising efforts through a community group and a membership group. They believe that with the planned improvements they can bring back the membership and combined with fundraising they can eliminate the debt in five years.

Councilmember Afzali discussed the importance of the swim club to the community and believes that entering into this agreement with a professional pool management company may be the only way to save the pool.

Councilmember Cook believes it is essential to have good capital improvements to maintain the safety of a pool, and using a professional company to maintain a pool is the only way to do it. He spoke about having community pools to build better neighborhoods.

Councilmember Wojahn stated his understanding that if the swim club wants to renew the agreement they would have to return to the Council.

The City Attorney clarified that the City does not have a say so now or in the future about the pool entering into the agreement with Lighthouse. The City only has the right to be notified by the pool 30-days in advance.

The motion carried 7-1-0 (Perry opposed).

10-G-24 Award of Contract to Avrio Group Surveillance Solutions, LLC in an amount not to exceed \$500,000 for the Closed Circuit TV System and License Plate Readers (GOCCP grant)

A motion was made by Councilmember Stullich and seconded by Councilmember Cook that the City award a contract in substantially the same form as attached in an amount not to exceed \$500,000 to Avrio Group Surveillance Solutions, LLC for construction of a wireless closed circuit television and license plate recognition crime prevention camera system.

Councilmember Stullich stated that last September the City was awarded a \$500,000 grant of American Recovery & Reinvestment Act (ARRA) funds through the Maryland Governor's Office of Crime Control & Prevention (GOCCP). This award was for construction of a wireless MESH system of closed circuit television and license plate reader cameras (CCTV/LPR) within the concurrent jurisdiction area of the University Of Maryland Department Of Public Safety (UMDPS) in the Old Town neighborhood. A project proposal and contract to complete this project was presented for Council discussion at the last work session.

Councilmember Stullich stated that she had some concerns at last week's Worksession that the plan may not provide sufficient coverage of Knox Road, and asked for additional crime data, which she believes is forthcoming. She learned today that the University would be comfortable with moving one camera from College Avenue to Knox Road.

Comments from the audience:

Mary Cook, 9806 47th Avenue: She was on the council when this item was first raised, and is concerned about the use of closed circuit TV cameras on the whole. If we have to have these cameras, she questions the locations of the cameras – why are they all in downtown? Let the permanent residents benefit from the grant. Why is only the downtown metro station getting coverage and not the Greenbelt Metro station and surrounding streets?

Larry Bleau, 4901 Niagara Road: Seconds Ms. Cook's comments about the camera locations – none are located in the northern area of the City where there has been a spate of break-ins. If it's just due to technical limitations, they can always be overcome. He is seeking assurance from the council that another grant and effort to put other cameras in the northern part of the City will be forthcoming.

Dr. Charles Wellford, Professor of Criminology and Criminal Justice at the UMD: He encouraged Council to approve this award. He monitors a Gemstone team that is working on the issue of crime prevention in College Park. They received crime data from the Prince George's County Police Department and analyzed it for hot spots. The exact area where the council is proposing to place the cameras has been identified as a hot spot. Another is in the northern part of the City. Their analysis of crime data can be useful to the Council if they decide to proceed with this project. The Gemstone team is also conducting two surveys: 1) residents in the hot spot areas and 2) students who are regular visitors to College Park, regarding their perceptions of crime and support for various crime prevention measures. The surveys will be repeated after the cameras are installed in spring 2011 to analyze the impact the cameras have had on crime in the area and on people's perceptions about crime. If Council decides to expand this effort they can look at that data for additional locations. There is always concern about privacy. Their experience on campus, where they have 280 monitored cameras, is that they have not presented a privacy problem and have been well accepted by the community.

Councilmember Wojahn asked Mr. Ryan about future opportunities for grants to expand this program. Mr. Ryan said the original application was for \$2.5M - \$3M and we received \$500,000. The second application for \$500,000 was not funded at all. We will keep applying for grant funding. We have an opportunity now for the University Of Maryland Department Of Public Safety to monitor 15 cameras for free, within their concurrent jurisdiction. If we expand within the concurrent jurisdiction, they would monitor additional cameras at \$6,000 each. If we expand city-wide, the UMDDPS would record the data at a fee. The original grant application had a city-wide focus on both metro stations among other areas, and that is still the vision, and we will keep asking for money. The technology required us to start the system close to the University's operation center. As we expand, we will install repeaters around the city to send the signal back to the operations center.

Councilmember Wojahn said he wants to have the Prince George's County Police involved in any expansion outside the concurrent jurisdiction.

Debbie Chen, member of the crime prevention and perception team mentored by Dr. Wellford: Provided some of the statistics from their research and discussed their methods of analysis.

Councilmember Cook asked about the rules about privacy. Mr. Ryan replied that the camera software is programmed so they blur out if they pan across a residential window. On a public street, the picture is public. The data is kept two to three weeks.

Councilmember Nagle asked about expansion outside the concurrent jurisdiction. Mr. Ryan said the UMD would not monitor those cameras live but would record the data. The live feed would potentially be available to County police over the internet, so it is feasible that a contract officer could monitor live camera feeds from outside the concurrent jurisdiction.

Councilmember Perry asked how long the agreement is with the UMDDPS for live monitoring. Mr. Ryan stated there is no limit.

Councilmember Nagle received comments from District 1 residents about privacy concerns, the locations of the cameras and ongoing costs to the City beyond the grant. Some would rather have the money go to a police force than a surveillance system.

Councilmember Stullich recognizes the concern that this is not a city-wide system. She would be supportive of expanding the system if the rest of the Council concurs. She believes there are very real benefits of having a security camera system in catching criminals who prey on our residents. The original hope was that this would be a city wide system but the funding didn't come through to enable that. She hopes we can build on this in the future and believes it would be good to have an operational system to demonstrate the benefits of the technology and that might enable us to win additional grant funds for future expansion.

Councilmember Afzali is aware there are potential costs of this system but also thinks this is a tremendous value for the City: a \$500,000 grant plus free monitoring by the university is a great deal and it would be foolish financially to turn it down. He sympathizes with privacy concerns but public sidewalks are public.

The motion passed 6-2-0 (Councilmembers Nagle and Perry opposed).

(Councilmembers Stullich and Cook left the Council Chambers.)

10-G-25 Award of Contract for Design/Build Services For A Skateboard Park in Sunnyside Neighborhood Park to Grindline Skateparks, Inc. in an amount not to exceed \$250,000.

A motion was made by Councilmember Wojahn and seconded by Councilmember Catlin that the City Council award a design/build contract for a skateboard park in Sunnyside Neighborhood Park in substantially the form as attached to Grindline Skateparks, Inc. in an amount not to exceed \$250,000 and that the City Manager be authorized to sign the contract on behalf of the City.

Councilmember Wojahn thanked County Councilmember Tom Dernoga for his help in having the City receive a \$250,000 grant from Prince George's County to design and build a skateboard park in the northern portion of the City. The City issued a Request for Proposals for design/build services and received six responses. City staff worked with a Local Project Committee to review the proposals and, based on the information contained in the proposals, ranked Grindline Skateparks, Inc. highly. All references contacted for Grindline Skateparks, Inc. were positive.

Comments from the audience:

Larry Bleau, 4901 Niagara Road, President, NCPA: Spoke in favor of the motion and looks forward to continuing the collaboration with Grindline Skateparks on the design of the project.

(Councilmember Cook returned to the Council Chambers.)

Councilmember Catlin stated that the location of the skate park is not actually in the City of College Park.

The motion passed 7-0-0 (Councilmember Stulich was not in the Chambers).

**10-G-26 Recommend Approval of Requested Amendments To District Council
Conditions For The Mazza Grandmarc Apartments Detailed Site Plan**

A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell that the City Council recommend approval of amendments to conditions imposed by the Prince George's County District Council for the Mazza Grandmarc Apartments in the approval of Detailed Site Plan 04049. Condition 6 will be amended to allow the Applicant to delay filing a detailed site plan for commercial retail uses on parcels 1 and 2 for a period of two years instead of prior to certificate of occupancy for the student housing project on parcel 3. Condition 10 will be amended to permit the Applicant to defer the undergrounding of utilities along the property and contribute a sum not to exceed \$200,000 to an escrow account established by the city once a procedure is established for property owners to pay a pro rata share of the cost of placing utilities underground along the Route 1 corridor.

Councilmember Afzali said that the Detailed Site Plan for the Mazza Grandmarc Apartments on parcel 3 was approved by the District Council on July 10, 2007 with 15 conditions. The apartments are nearing completion and are proposed to be leased to primarily graduate students. Access to the project is through parcels 1 and 2, which are required to be developed with commercial office and/or retail or similar uses. Due to the national economic recession, the Applicant has not been able to secure a tenant therefore the buildings and architecture in the Detailed Site Plan are generic and subject to change in the future when a user is known. While the current US 1 Corridor Sector Plan requires that utilities be placed underground, projects have not been able to do so because PEPCO opposes the piecemeal undergrounding of utilities. In lieu of undergrounding, other projects have been required to make a payment to an escrow account with the city.

Mayor Fellows recognized Thomas Haller, representing the applicant, and Bruce Terwilliger, the applicant.

Councilmember Afzali is concerned about the parking situation and that people will park in the surrounding neighborhoods. He believes that the rents are too high (\$900) for the average

graduate student. He is also concerned that by the end of March they will start marketing to undergraduate students after assuring the community it was graduate student housing.

Mr. Haller said they didn't want to be in a situation that apartments would sit empty; only if they are not able to lease to graduate students would they open it up to anyone else. The pricing is a reflection of the high-quality of construction.

(Councilmember Stullich returned to the Council Chambers.)

Councilmember Cook asked if marketing to graduate students and not undergraduates would violate the Fair Housing Act. Mr. Terwilliger stated that students are not a protected class under the Fair Housing Act.

Councilmember Mitchell asked about pricing. Mr. Terwilliger stated that a one bedroom apartment is \$1,300/month and that one bedroom in a four-bedroom unit is \$899, which is comparable to University View and Towers. That includes everything but parking.

The motion passed 8-0-0.

10-G-27 Authorization For The City Manager To Pursue The Installation Of Speed Cameras In College Park

A motion was made by Councilmember Perry and seconded by Councilmember Catlin to authorize the City Manager to explore the installation/deployment of speed cameras in school zones to include researching vendors to provide automated speed violation detection, imaging and citation services at appropriate locations within the City of College Park for speed camera enforcement based on traffic statistics and other information.

Councilmember Perry said the authority was given by the General Assembly to allow the City to put speed cameras in school zones which would include Al-Huda, Paint Branch, Hollywood, Berwyn Christian, Holy Redeemer and the College Park Nursery School and Kindergarten. The University of Maryland is also a school zone. He hopes to pass this tonight to start slowing down some traffic.

The City Attorney clarified that the legislation does not define a school zone.

There were no comments from the audience.

Councilmember Catlin said he hoped a speed camera could improve the pedestrian crossing of the Trolley Trail at Greenbelt Road.

Councilmember Wojahn agrees with Councilmember Catlin about that crossing. This is not a panacea to the problems on Rhode Island Avenue, but it could make a difference. The legislation includes several safeguards that address some of the concerns people have about speed cameras. He has heard a lot of concern from neighbors about pedestrian safety and speeding cars.

Councilmember Afzali said he had mixed feelings about this motion so he e-mailed a lot of residents asking their opinion. The response was overwhelmingly supportive. He thinks this still needs further discussion about which company they select and what their track record is. He doesn't want to stop the process but doesn't think we're ready to put them up yet.

Councilmember Stullich thinks this is an important tool for helping to improve safety in College Park. She is hopeful we can work through concerns about implementation.

Student Liaison Sachs believes the city should take a few things into consideration: the 30-day notification requirement should be done during the Maryland school year; the City should be specific about how it will notify students about the locations of the cameras; the City should be cautious about the deployment of mobile speed cameras because research shows fixed cameras had better results. He referenced a study that said speed cameras did not help with pedestrian safety. The City should determine whether speed cameras will really accomplish the goal of making the City safer, and which locations would actually increase safety. The City needs to be very careful about how it puts speed cameras up on Route 1.

Councilmember Perry asked if we would be using mobile or fixed cameras. Ms. Ferguson said it will depend on which vendor is used.

The motion passed 8-0-0.

10-O-01 Introduction of Ordinance 10-O-01, An Ordinance of the Mayor and Council of the City of College Park, Maryland, Amending Chapter 184, "Vehicles and Traffic", By Adding Article VIII, "Speed Monitoring Systems", Section 184-45 "Speed Monitoring System In School Zones"

A motion was made by Councilmember Perry and seconded by Councilmember Wojahn to introduce Ordinance 10-O-01, An Ordinance of the Mayor and Council of the City of College Park, Maryland, Amending Chapter 184, "Vehicles and Traffic", By Adding Article VIII, "Speed Monitoring Systems", Section 184-45 "Speed Monitoring System In School Zones."

The Public Hearing is scheduled for March 23 at 7:30 p.m.

**10-G-30 Approval of a letter in support of SB 598, Public Utility Companies -
University of Maryland, College Park Bus Service - Motor Carrier Permit
Exemption - Removal of Sunset**

A motion was made by Councilmember Mitchell and seconded by Councilmember Perry to approve a letter in support of Senate Bill 598 and the cross filed House Bill 537, Public Utility Companies, University of Maryland, College Park Bus Service – Motor Carrier Permit Exemption – Removal of Sunset.

Councilmember Mitchell said this bill would remove the sunset provision from the legislation that allows residents to ride the Shuttle UM thus permanently establishing the authority for them to do so.

Comments from the audience:

Mary Cook, 9806 47th Avenue: She is one of the original supporters of this bill and looks forward to having the sunset clause eliminated. When she did ride the Shuttle UM they often did not record that she was on the bus, so we may not have an accurate count on the number of rides taken. She believes we should not have to pay the University of Maryland for the service; that it should be something they support, especially with their green initiatives.

A motion was made by Councilmember Nagle and seconded by Councilmember Perry to amend the letter to include language requesting that the bill be amended to eliminate the requirement that payment has to be made to the University in order for City residents to ride the shuttle.

Councilmember Nagle stated that she supports the idea of residents riding the Shuttle UM but that any payment can be negotiated between the City and the University and does not need to be in the legislation. She says it allows the City more flexibility in the future when it is time to renegotiate the MOU. Her request would amend Section 9-201(b) (9) of the bill.

Ms. Ferguson said this was originally adopted because otherwise, since the UMD was going to charge for the service, they would have to have a motor carrier permit. The clause was to exempt them from having to have a motor carrier permit if they charge us. It does not require them to charge us; it just says that if they do, they do not need a motor carrier permit. It is a subset of Section 9-201.

Councilmember Catlin cautioned against playing with this too much based on the history of what happened before.

Comments from the audience on the amendment:

Mary Cook, 9806 47th Avenue: Would support the amendment – if there is any way to get around the payment she would like to see that happen. She can understand why the students might have some concerns, but she is also concerned about the taxes she pays for police services

and they spend a lot of time on student issues, so this is an area where we can have some cooperation.

Ms. Ferguson clarified that this provision in the bill does not require the University of Maryland to charge anything. It only says that if they do, they are not required to have a motor carrier permit. The fact that the City might want to change their agreement with the University is a separate item that we negotiate with the University. If they were required by law to get a motor carrier permit, they would not do it.

Mr. Nagro said that the Shuttle system is not funded with State funds; it is funded with student activity fees, which is the big issue when dealing with the Department of Transportation Services. Students initially protested this because they are funding it, they believe they should have a say in who is riding it.

Councilmember Wojahn said that given this explanation, he does not believe the amendment is necessary. And having the reference to payment in the bill does not specify how much – it could be a nominal fee.

Mayor Fellows stated that the Council last fall requested the 21st Delegation to introduce this bill, and it is usually not wise to amend something we have asked for.

The vote on the amendment was 0-8-0; the amendment failed.

The main motion passed 8-0-0.

10-G-29 Appointments To Boards And Committees

A motion was made by Councilmember Stulich and seconded by Councilmember Cook to nominate Mark Wimer to the Tree and Landscape Board for a two year term and Gabriel Iriarte to the Airport Authority for a three year term. The motion passed 8-0-0.

Council Comments:

Councilmember Nagle thanked the residents of District 1 on their feedback on how to vote this week.

Councilmember Perry commented on the letter received from the Department of Housing and Community Development denying the Community Legacy grant application for funds re: 4903 Edgewood Road and requested a future Worksession discussion on this item.

Councilmember Afzali thanked District 4 residents for their input this week and encouraged District 4 residents to join the Recreation Board.

Councilmember Mitchell requested information on the City web site regarding Envision Prince George's.

Councilmember Cook discussed the march for national healthcare reform and the rally this evening at the University.

Comments from the Audience:

Mary Cook, 9806 47th Avenue: Discussed the Route 1 Sector Plan meeting she attended last week and noted there will be another public hearing in March. She received a copy of Ken Michaels' plan for Cherry Hill and North Autoville and found it very disturbing. She said it will impact everyone and will impact the intersection of US 1 and Cherry Hill Road.

Adjournment: A motion to adjourn the regular meeting and reconvene in Executive Session was made by Councilmember Afzali and seconded by Councilmember Catlin. The purpose of the Executive Session is to 1) Consult with Counsel on a Legal Matter, and 2) to Consult with Staff, Consultants or other individuals about pending or potential litigation. The council will not return into a public meeting tonight. The motion carried 8-0-0 and the meeting was adjourned at 10:45 p.m.

Janeen S. Miller, CMC
City Clerk

Date Approved

Pursuant to §C6-3 of the College Park City Charter, at 10:45 p.m. on February 23, 2010 in the Council Chambers at City Hall, a motion was made by Councilmember Afzali and seconded by Councilmember Catlin to enter into an Executive Session, citing the following authority:

G) Consult with Counsel on a legal matter.

H) Consult with staff, consultants or other individuals about pending or potential litigation

The motion passed 8-0-0. The Counsel took a brief recess before beginning the Executive Session.

Present: Mayor Fellows, Councilmembers Nagle, Wojahn, Catlin, Perry and Stullich, Cook, Afzali and Mitchell.

Absent: None.

Also Present: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Jonathan Sachs, Student Liaison; Becca Lurie, Deputy Student Liaison; Bob Ryan, Director of Public Services.

Topic Discussed: 1) Consult with Counsel on a legal matter – Negotiations with the University and its connection to the A & A tax issue; 2) Consult with Staff and other individuals about pending or potential litigation -- the A & A tax issue.

A motion was made by Councilmember Perry and seconded by Councilmember Cook to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 11:35 p.m. with a vote of 8-0-0.
